IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2591 OF 2007

Sagar Giridhar Bachhao .. Petitioner
Versus
Smt.Ranjan Walchand Bachhao .. Respondent

WITH

WRIT PETITION NO.2589 OF 2007

Sagar Giridhar Bachhao .. Petitioner
Versus
Sachin Walchand Bachhao .. Respondent

Mr.Arun Palekar for petitioner
Mr.Khandeparkar i/b. Khandeparkar & Associates for respondent

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th December 2007

P.C.

. Both these petitions are directed against the orders passed by the lower appellate court on 15th December 2006. Those orders were passed on

appeals which were filed by the respondents to challenge the order of executing court in execution case Nos. 1 of 2005 and 2 of 2005 respectively.

2. The only submission before me is that these appeals were not maintainable.

3. Having perused the orders passed by the trial court and that of the lower appellate court, I am satisfied that the order passed by the executing court was not capable of being challenged in appeal before the lower appellate court.

4. Mr.Khandeparkar could not point out to me any provision in the C.P.C. or otherwise which makes such an appeal maintainable. On this short ground alone the order of the lower appellate court is quashed and set aside.

5. However, this does not prevent respondents from initiating such proceedings as are permissible in law to challenge subject decree so also the direction of the executing court dated 8th August 2006. Petitions disposed of.

(S.C.Dharmadhikari, J)